

**Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels
and Fire Rehabilitation Actions**

**Arizona Department of Public Safety Communication Site Renewal
NEPA Number DOI- BLM-AZ-C030-2014-0034-CX**

A. Background

BLM Office: Lake Havasu Field Office Lease/Serial/Case File No.: AZA 35164

Proposed Action Title/Type: Renewal AZA 35164 Arizona Department of Public Safety
Communication Site on Smith Peak

Location of Proposed Action:

Gila and Salt River Meridian, Arizona
T. 8 N., R. 11 W.
Sec. 1, SE¼.

Total acres: 0.026

Description of Proposed Action:

On May 27, 2014, Arizona Department of Public Safety (AZ DPS) filed an application to renew communication site lease AZA 35164. On June 1, 2009, AZ DPS requested an amendment to their communication site lease to install a new 160 foot self-supported tower. On November 24, 2009, the grant authority changed from the Act of March 4, 1911, (36 Stat. 1253; 43 U.S.C. 961) to the Act of October 21, 1976, (90 Stat. 2776, 43 U.S.C. 1761) FLPMA.

It is recommended to renew communication site lease AZA 35164 to AZ DPS for 20 years and expire on April 22, 2034, including the updated stipulations (Exhibit B).

B. Land Use Plan Conformance

Land Use Plan Name: *Lake Havasu Field Office Resource Management Plan*

Date Approved/Amended: May 10, 2007

The proposed action is in conformance with the LUP, because it is clearly consistent with the text under Use Authorization (page 37):

Lake Havasu Field Office may allow the use of the public lands or interests in lands through issuance of ROWs, leases, and permits. The types of uses that would be authorized by a ROW issued pursuant to Title 5 FLPMA would include access roads, power lines, telephone lines, fiber optic systems, communications facilities, and so forth. Examples of uses authorized pursuant to the Mineral Leasing Act include crude oil pipelines and oil and gas pipelines. Typical uses authorized by permits would include filming and establishing and maintaining apiary sites

Public lands may also be designated for use as a communications site or a communications facility. A communications facility is a building and/or tower or other physical improvement that is built, installed, or established to house and support authorized communications uses. Lake Havasu Field Office communications sites accommodate the wireless systems referred to in the

Telecommunications Act of 1996 as well as many other uses, including AM/FM broadcast facilities, commercial mobile radios, private mobile radios, and microwaves on designated communications sites located on mountaintops.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

LR-31. Smith Peak Communication Site, (CS)-4 Designated, LUP Table 5 page 41.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 4, E. Realty (9): “Renewals and assignments of leases, permits or rights-of-way, where no additional rights are conveyed beyond those granted by the original authorizations.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered the possibility of significant impacts by authorizing this action, but there are none as demonstrated by the signatures in Attachment 1.

D: Signature

Authorizing Official: _SIGNED_____ Date:

Kimber Liebhauser
Field Manager, Lake Havasu Field Office

Contact Person

For additional information concerning this CX review, contact Realty Specialist Lisa Stapp, 2610 Sweetwater Avenue, Lake Havasu City, Arizona 86406, (928) 505-1260.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No, within existing lease
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No, within existing lease
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No, within existing lease
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No, within existing lease
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No, within existing lease
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No, within existing lease
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No, within existing lease
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No, within existing lease
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No, within existing lease
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No, within existing lease
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No, within existing lease
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No, within existing lease

Approval and Decision

Attachment 2

Compliance and assignment of responsibility: Lands & Resources

Monitoring and assignment of responsibility: Lands & Resources

Review: We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.

Prepared by: /s/ Lisa Stapp AUTHENTICATED Date: 7/2/2014
Realty Specialist Lisa Stapp
Project Lead

Reviewed by: _____ Date: _____
David Daniels
NEPA Coordinator

Reviewed by: /s/ Amanda Dodson AUTHENTICATED by L. Stapp Date: 7/2/2014
Amanda Dodson
Assistant Field Manager-Lands & Resources

Project Description:

On May 27, 2014, Arizona Department of Public Safety (AZ DPS) filed an application to renew communication site lease AZA 35164. On June 1, 2009, AZ DPS requested an amendment to their communication site lease to install a new 160 foot self-supported tower. On November 24, 2009, the grant authority changed from the Act of March 4, 1911, (36 Stat. 1253; 43 U.S.C. 961) to the Act of October 21, 1976, (90 Stat. 2776, 43 U.S.C. 1761) FLPMA.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

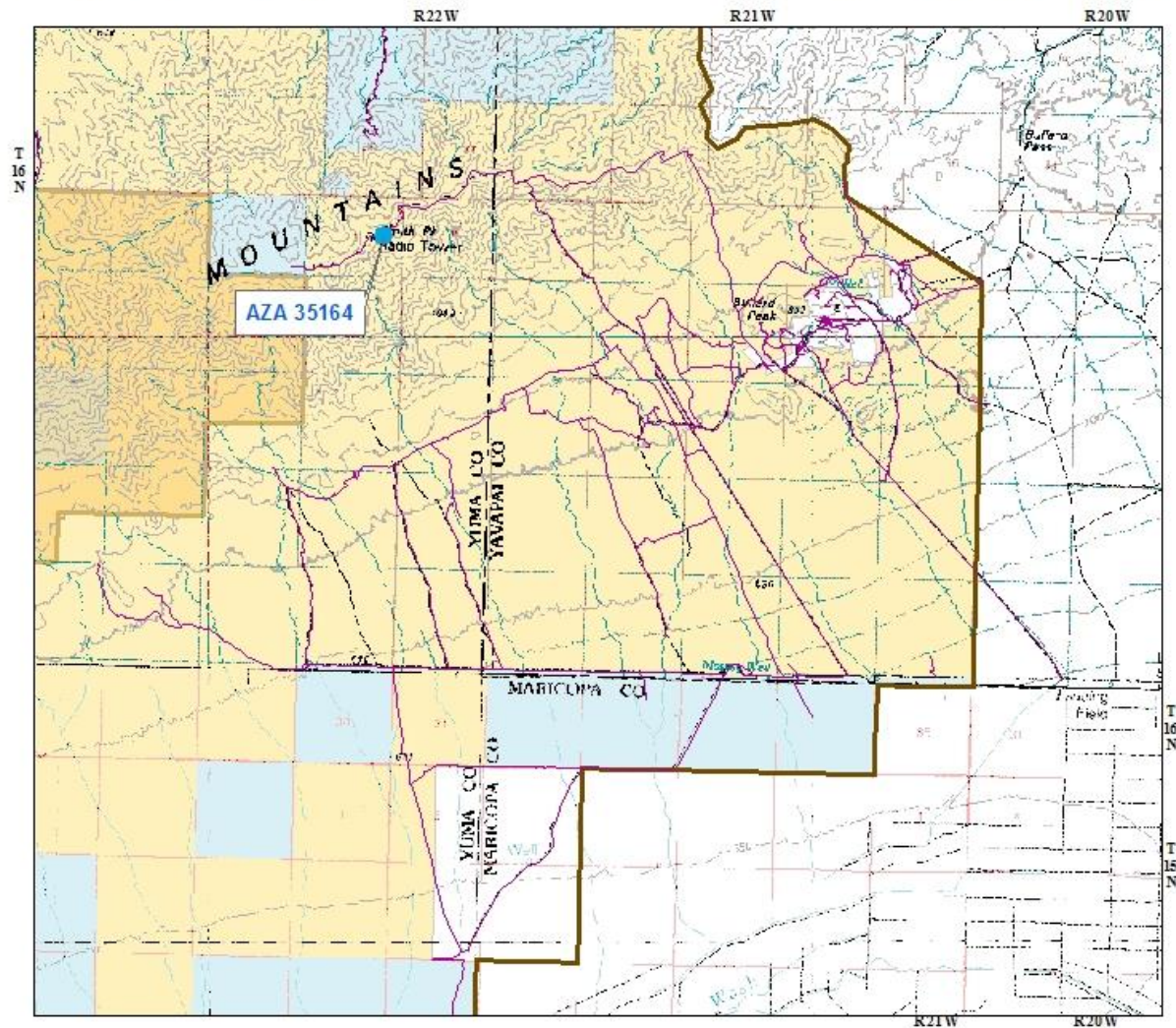
Approved By: /s/ Kimber Liebhauser AUTHENTICATED by L. Stapp Date: 7/2//2014

Kimber Liebhauser

Field Manager, Lake Havasu Field Office

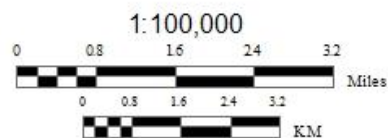
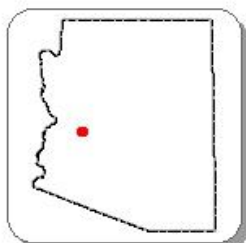
Exhibits:

- a) Map
- b) Stipulations
- c) Tortoise Handling Guidelines



Legend

- | | |
|---|------------------------------|
| Bureau of Land Management (BLM) | BLM Wilderness Area |
| USFW Service, National Wildlife Refuges | USFW Service Wilderness Area |
| Indian Lands or Reservations | |
| Private Lands | |
| State Lands | |



United States Department of the Interior
Bureau of Land Management
Arizona State Office

Map created on Aug 14, 2009
Land Status Updated February 20, 2007



CAUTION:
Land ownership data is derived from less accurate data than the 1:24000 scale base map. Therefore, land ownership may not be shown for parcels smaller than 40 acres, and land ownership lines may have plotting errors due to source data.

No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

Stipulations

1. All personnel are to report any sightings of desert tortoise to the Lake Havasu Field Office, (928) 505-1200. If tortoises are found within the work area they will be left to move on their own accord or may be moved only by a qualified biologist. Handling, collecting, damaging, or destroying Desert Tortoises is prohibited by Arizona State Law.
2. All construction material staging areas should be checked for tortoises and other species prior to moving materials (ex. pole piles, culverts, trailers, etc.). The area near and under all vehicles should be inspected for desert tortoise before being moved.
3. If a tortoise is endangered by any activity that activity shall cease until either the tortoise moves out of harm's way of its own accord or to prevent death or injury, removal of the tortoise should follow the attached "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects" (Exhibit C).
4. Care shall be taken not to disturb or destroy desert tortoises or their burros. Handling, collecting, damaging, or destroying desert tortoises are prohibited by Arizona State Law. During all activity, special care should be given to watch for and avoid any desert tortoise that may be present within the project area.
5. All wildlife and migratory birds shall be observed from a distance. Any injured wildlife shall be reported to Arizona Game & Fish Department at (928) 342-0091.
6. Harassment of wildlife or destruction of private and public improvements, such as fences and gates, is prohibited. The taking of any threatened and endangered plant or animal is prohibited.
7. State protected plant species (all cactus, ocotillo and native trees) shall be avoided; if they cannot be avoided they will be salvaged and replanted during reclamation. The lessee shall report all State protected species destroyed or damaged to the BLM Wildlife Biologist at (928) 505-1200.
8. All personnel should report any sightings of desert tortoise, bighorn sheep, and other wildlife species to the BLM Wildlife Biologist.
9. The lessee shall remove trash, rubbish, and other construction debris from the site and dispose of at a designated sanitary landfill and the grounds shall be maintained in a neat and orderly manner at all times to reduce the attractiveness of the area to ravens and other desert tortoise predators.
10. The lessee shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan of development which was approved and made part of this grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
11. The lessee shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
12. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the lessee. The lessee shall immediately

report any release of hazardous substances (leaks, spills, etc.) caused by the lessee or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

The lessee shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the lessee is aware.

As required by law, the lessee shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of way.

13. The lessee shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the lessee shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the lessee shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the *Manual of Surveying Instructions for the Survey of the Public Lands in the United States*, latest edition. The lessee shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the lessee shall be responsible for the survey cost.
14. The lessee shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation.
15. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment
16. The United States will not be held liable for any damage to the communication facility caused by the general public or as a result of fire, wind, or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the normal land management activities of the BLM.
17. No less than 6 months prior to termination of the right-of-way, the lessee shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
18. Any cultural (historic/prehistoric site or object) and/or paleontological resource (fossil remains of plants or animals) discovered during the proposed action shall immediately be reported to the Field Manager or his designee. All operations in the immediate area of the discovery shall be suspended until written authorization to proceed is issued. An evaluation of the discovery shall be made by a qualified archaeologist or paleontologist to determine appropriate actions to prevent loss of significant cultural or scientifically important paleontological values.

19. The lessee shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The lessee is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.
20. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the lessee shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pests(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
21. The lessee shall not allow the operation of any electronic equipment in the building or on the site unless and until the user has obtained a license from the Federal Communications Commission or the Interdepartmental Radio Advisory Committee.
22. The lessee must amend the communications lease at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
23. This lease is authorized subject to the lessee's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department

Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist.

Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises. Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave Desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.

These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.